

BAGWELL HOLT SMITH P.A.
ATTORNEYS AT LAW
111 CLOISTER COURT, SUITE 200
CHAPEL HILL, NORTH CAROLINA 27514
TELEPHONE: (919) 401-0062
FACSIMILE: (919) 403-0063
www.bhspa.com

SENDER'S E-MAIL: HOA@BHSPA.COM

October 22, 2021

Via First Class and Certified Mail, Return Receipt Requested

Hayden Rose
308 Presque Isle Lane
Chapel Hill, NC 27514

**Re: Claim of Lien – 308 Presque Isle Lane
Presque Isle Villas Condominium Homeowners Association, Inc.**

To Whom It May Concern:

Please find enclosed a copy of a claim of lien filed against you by Presque Isle Villas Condominium Homeowners Association, Inc. This claim of lien will remain on file against your property in the Orange County Clerk of Court and become part of the public record until the full balance is paid. In addition to the past due assessments, you are also responsible for paying attorney's fees and related costs. As of the date of this letter, the itemization of your balance is:

Assessments:	\$ 1,162.24
Water Billing Admin Fee:	\$ 7.25
Water Usage Allocation:	\$ 115.84
Deck Repair:	\$ 3,914.67
Collection fee:	\$ 45.00
Abstractor Fee:	\$ 30.00
Late fees:	\$ 60.00
Legal fees:	\$ 175.00
Filing fees:	\$ 6.25
Postage:	\$ 7.20
TOTAL:	\$ 5,523.45

If you wish to discuss setting up a payment schedule, please contact this firm at hoa@bhspa.com. Please note that all communications regarding payment arrangements must be **in writing** via e-mail or regular mail. Due to ethical and legal considerations, **phone calls will not be accepted**.

Please note that you are liable for attorney's fees, interest and court costs in addition to the outstanding balance owed, and that these sums will increase if you fail to pay. Payments must be made in the form of **certified payments** (including certified checks or money orders) or cash. All certified checks or money orders must be made payable to **Presque Isle Villas Condominium Homeowners Association, Inc.** but mailed to this law firm at the above address. **Please note that failure to respond may result in the initiation of foreclosure proceedings.**

**THIS IS AN ATTEMPT TO COLLECT A DEBT. ALL INFORMATION OBTAINED WILL
BE USED FOR THAT PURPOSE.**

Sincerely,

Zachary J. Wilson
Attorney at Law

cc: Community Association Management

2000 AERIAL CENTER PARKWAY • SUITE 110 BC • MORRISVILLE, NC 27560 • PHONE: (919) 460-2920 • FAX: (919) 465-3342
400 MARKET STREET • SUITE 103 • CHAPEL HILL, NC 27516 • PHONE: (919) 932-2225 • FAX: (919) 932-2212
7 CORPORATE CENTER COURT • SUITE B • GREENSBORO, NC 27408 • PHONE: (336) 369-2191 • FAX: (336) 282-3797

CLAIM OF LIEN BY HOMEOWNERS ASSOCIATION

THIS DOCUMENT CONSTITUTES A LIEN AGAINST YOUR PROPERTY, AND IF THE LIEN IS NOT PAID, THE HOMEOWNERS ASSOCIATION MAY PROCEED WITH FORECLOSURE AGAINST YOUR PROPERTY IN LIKE MANNER AS A MORTGAGE UNDER NORTH CAROLINA LAW PURSUANT TO N.C.G.S §47C-3-116.

To: Hayden Rose
308 Presque Isle Lane
Chapel Hill, NC 27514

Legal Description: See "Exhibit A" (the "Property").

Presque Isle Villas Condominium Homeowners Association, Inc., a North Carolina non-profit corporation with its principal office located in Orange County, North Carolina hereby claims a lien against the Property owned by the below-named Owner pursuant to the Declaration of Condominium, which is recorded at Book 2233, Page 287, Orange County Registry (as amended, the "Declaration"), and applicable law. In support of this the claimant shows as follows:

1. The name and place of business of the party that claims, gives notice of and files this lien is Presque Isle Villas Condominium Homeowners Association, Inc. (the "Association"), whose undersigned agent's office is located at 111 Cloister Court, Suite 200, Chapel Hill, North Carolina 27514.

2. **HAYDEN SCOTT ROSE, A SINGLE PERSON** is the record owner of the Property (the "Owner").

3. The Property is located in Orange County, North Carolina as part of the Presque Isle Villas subdivision and is defined within the Declaration. The Association manages and administers the affairs of the homeowners and enforces the by-laws and the Declaration, including providing for the payment of assessments and the imposition of liens for nonpayment of assessments.

4. The assessments due and payable from the owner were not paid and the outstanding balance due on the assessment account is in the amount of **\$5,523.45**, plus subsequently accrued assessments, late fees, attorneys' fees and related costs.

5. The Association is entitled to record this lien against the Property pursuant to the Declaration and applicable law.

6. Presque Isle Villas Condominium Homeowners Association, Inc. hereby appoints Michael R. Ganley as trustee for the purpose of conducting any foreclosure of this Claim of Lien.

The undersigned hereby certifies that on this day he served this pleading or other document upon all other parties to this cause properly addressed to said parties or their attorneys of record via:

☒ US Mail, postage prepaid
☒ Via Certified United States mail, postage prepaid

This the 22nd Day of October, 2021.


Zachary J. Wilson/State Bar No. 51070

This the 22nd Day of October, 2021.

BAGWELL HOLT SMITH P.A.
Attorneys for Lien Claimant

By: 

Zachary J. Wilson/State Bar No. 51070
111 Cloister Court, Suite 200
Chapel Hill, North Carolina 27514
(919) 401-0062
Email: HOA@bhspa.com

EXHIBIT A

A UNIT OWNERSHIP DESIGNATED AS UNIT NO. 308, IN BUILDING 300 OF PRESQUE ISLE VILLAS, ACCORDING TO MAP FILED IN BOOK 90, PAGES 186-200 AND BOOK 91, PAGES 1-4, IN THE OFFICE OF THE REGISTER OF DEEDS OF ORANGE, AND THE DECLARATION OF CONDOMINIUM THEREOF WHEREIN REINHARD GROUP, INC. IS THE DECLARANT, DATED THE 9TH DAY OF APRIL, 2001, AND RECORDED IN APRIL, 2001 IN BOOK 2233, COMMENCING ON PAGE 287, AND AS AMENDED BY FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR PRESQUE ISLE VILLAS RECORDED IN BOOK 2670, PAGE 258, IN THE OFFICE OF THE REGISTER OF DEEDS OF ORANGE COUNTY, NORTH CAROLINA.

TOGETHER WITH ALL THE EASEMENTS, RIGHTS AND APPURTENANCES APPERTAINING THEREOF, ALL ACCORDING TO SAID DECLARATION OF CONDOMINIUM, AND EXHIBITS ANNEXED AND ATTACHED THEREOF AND MADE A PART THEREOF, WHICH UNIT IS TO BE UTILITIES FOR DWELLING UNIT PURPOSES ALL AS DESCRIBED AND SET FORTH IN SAID DECLARATION CONDOMINIUM.